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ABSTRACT

Historical notes on national interest in the problem of educational inequality as well as a tracing of the initially gradual and then intensified Federal involvement with equal educational opportunity comprise the focus of this paper. The concept and various definitions of equal educational opportunity are also discussed. Section headings include: the earliest attempts (18th/19th centuries); the early challenge to the States; toward Federal consideration of equality of educational opportunity; the thrust of the 1959's; the 1960's toward greater Federal involvement; desegregation and equality of educational opportunity; development of the concept of equal educational opportunity; the search for a workable definition of equality of educational opportunity; and the three goals that should be adopted in the effort to achieve equality of educational opportunity (equal access to educational resources and elimination of fiscal discrimination, equality of educational benefits or outcomes among ethnic groups, and economic equality among ethnic groups in society). Efforts to eliminate inequalities in educational opportunity are considered to have produced some social mobility. There is deemed to be evidence of reasonable correlation between educational attainment and economic opportunity. A concerted attack to be conducted on both economic inequality and the inequalities in the educational systems is urged. (Author/AM)

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FEDERAL CONCERN FOR EQUALITY OF EDUCATIONAL OPPORTUNITY: SOME HISTORICAL INDICATIONS

by
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This paper was written at the request of Dr. Edward Barnes, Adviser to the Institute on Human Rights, National Institute of Education. It attempts to provide some historical notes on national interest in the problem of educational inequality. It gives a glimpse of gradual and then intensified Federal involvement with that issue. It also briefly touches on the concept and various definitions of equal educational opportunity. It is hoped that, from time to time, there would be more detailed study and analysis of the concept of equal educational opportunity.

January 31, 1974

S. M. Pemberton
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I. Introduction

Two important questions are paramount in the educational community today: Just what is meant by equal educational opportunity? What should be the precise role of the Federal Government in helping to attain that goal? In addition to the application of large-scale compensatory education programs or the implementation of activities such as busing, eqaul educational opportunity has recently come to imply the need for more significant scientific research into the educational process.

It is significant, therefore, that the Federal Government created the National Institute of Education in 1972 in a dramatic expression of its concern for equality of educational opportunity. Congress made it clear that while state and local governments continue to assume prime responsibility for the direction of the education system, "the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process."[1]

Federal interest in education dates back to the eighteenth century, and this despite no mention of education in the Constitution. Even before the Constitution was drawn up and ratified in 1789, the Ordinance of 1785 which established a policy for the sale of public land, provided for certain lands to be used for common schools. This was confirmed two years

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[1]Public Law 92-318, Section 405.

later by the Ordinance of 1787.

There are three types of educational institutions over which the Federal Government exercises direct supervision or control: (1) It maintains a few academies including the Military Academy at West Point and the Merchant Marine Academy at King's Point, New York. (2) It organizes and maintains certain schools, such as Indian schools, as wards of government. (3) It maintains or supervises schools in Federal territories and districts. The Federal Government has also made direct appropriations in support of special types of education while exercising only very limited control. Since 1802 national land grants have been made for the common schools. The Morrill Act of 1862 provided land grants for agricultural and mechanical colleges. The Bureau of Freedmen was set up in 1865 to promote the education of black children through Federal funds. In 1867 the National Bureau of Education (later U.S. Office of Education) was established, and committees on education and labor were set up in the Senate and House of Representatives.

As the nineteenth century drew to a close there was even greater concern for Federal responsibility in education. In 1889, President Harrison said: "National aid to education has heretofore taken the form of land grants and in that form the constitutional power of Congress

to promote education is not questioned. I do not think that it can be successfully questioned when the form is changed to that of a direct grant of money from the public treasury."[2] This statement was in apparent reference to the conflict which had arisen over the fact that no specific mention of education was made in the Federal Constitution. The authority for and control of education had passed to the States since the Tenth Amendment provided that those powers and duties not specifically mentioned in the Constitution should be reserved to the states or to the people. Consequently, a traditional policy of state and local autonomy in education developed.

Social, economic and political forces were bound to undermine the traditional policy of state and local autonomy in education and prepare the way for greater Federal involvement in education. The advent of World War I underscored the need for greater skilled manpower. The Smith-Hughes Act of 1917 initiated to encourage vocational education in the public schools, was the national response to the increasing recognition that the war potential depended no less on skilled vocational productivity than on the armed services.

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[2]Muller, Helen M., The Reference Shelf, Reprints of Selected Articles, Briefs, Bibliographies, Debates, Study Outlines of Timely Topics, Volume IX, No. 8, "Federal Aid for Equalizing Educational Opportunity (New York: The H. W. Wilson Company, 1934), p. 14.

Changing social conditions of American life during the first quarter of the twentieth century operated to deepen the national interest in education. Newton Edwards pointed to some of these including differentials in reproduction among the states, the increasing mobility of the American people, and the impact of technology." "The economic and social changes," Newton wrote, "which beat steadily upon American youth raise educational problems of such importance that they transcend community and state lines and inescapably become matters of national import."[3] In 1929 the George-Reed Act increased the appropriations for vocational education.

II. The Earliest Attempts

While it was not till the twentieth century that serious efforts were made to use state educational funds for the purpose of bringing about equalization, the eighteenth and nineteenth centuries saw feeble attempts to find some equitable basis for the distribution of the state school fund. The early so-called "public schools" of colonial America were maintained by "rate bills" rather than taxes.[4] Faced with severe inequities, the major problem was how to harness financial resources so that both the wealthy and the poor classes might share in the benefits of education. The nineteenth century patriot, Robert Coram, expressed the view that both rural areas and seaport

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[3]Newton, Edwards, Equal Educational Opportunity for Youth: A National Responsibility (Washington, D.C.: American Council on Education, 1939) p.5.

[4]Brubacher, John S. A History of the Problem of Education, New York: McGraw Hill Book Company, Inc., 1947, p. 603.

towns should have equally good schools.[5]

In the nineteenth century both Horace Mann and Henry Barnard raised strong objections to the wide discrepancies in the ability of states to support education. An early method for bringing about equalization was the division of the state school fund in proportion to the adult population, and later according to the school population in each community.

Adequate provision for the education of the needy has always been of primary importance with regard to any effort toward equality of educational opportunity. One of the early means for providing greater educational opportunities for the needy was through a charitable gift. In the nineteenth and twentieth centuries, however, other steps had to be taken. The public school idea and the introduction of public tax-supported education in the United States in the nineteenth century, was a new ray of hope for educational equality. Ironically, however, the needy were not included in the new educational experience of the early nineteenth century. There were many poor children who did not attend schools, and Indians and Southern Negroes had no schools at all. When at last during the latter part of the nineteenth century these last mentioned were included by statute in the new educational experience, it was a great challenge to the states and then to the Federal Government.

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[5] Ibid., p. 607.

III. The Early Challenge to the States

The system of financing education in the two decades following World War I had resulted in serious inequalities in educational opportunity throughout the United States. This situation was contrary to the American democratic ideal of equal educational opportunity for all children. Equality of educational opportunity finds justification in one or both of two theories involving the child's inherent right on one hand, and the state's on the other. Ellwood P. Cubberley stated this very well in 1929:

> We of today conceive of free public education as a birthright of the child on the one hand and as an exercise of the State's inherent right to self-preservation and improvement on the other.[6]

The two philosophies emphasizing the individual welfare and the social welfare are by no means mutually exclusive. In fact early twentieth century efforts at equalization indicate that emphasis upon the individual was for the ultimate good of the state.

The equalization principle was expressed in the laws of the New England and Middle Atlantic States prior to 1910, and by 1920 twenty states tried to bring about equalization of educational opportunity through the distribution of state money. The period, 1926-1933 saw operations aimed at equalization spread to the South and Southwest. Soon, however, great differences in the extent and quality of educational programs throughout the nation were experienced. These differences were noted in expenditures per pupil, length

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[6] Ellwood P. Cubberley, Public School Administration, (Boston: Houghton Mifflin Company, 1929), p. 13.

of school terms, teachers' salaries, teachers' training and experience, high school enrollment, value of school property, education facilities for black children, and education in rural districts. In addition certain social conditions, notably, differences in birth-rate of regions, migration from farms, and corporate ownership of wealth tended to lessen the prospects for equality of educational opportunity throughout the land.

Inequalities in educational opportunity were further accentuated by great differences in the ability of states to provide adequate educational programs. Certain factors governed this situation, namely, the wide gap in the wealth of the various states, the variations in the income of the states as well as in the taxing ability of the several states. The latter part of the 1930's saw almost one-third of the total wealth of the nation concentrated in four states, New York, Pennsylvania, Illinois and Ohio.[7] The average amount spent on each child in New York at this time was about seven times as great as that of Mississippi.[8]

The educational task of the various states was also marked by great differences. There were noted differences in the distribution of school population in the several states, as well as between rural and urban sections in the United States. In addition, the burden of financing education was increasing throughout the nation. The increase in school

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[7]National Education Association - "Federal Support for Education." Research Bulletin, Vol. XV, No. 4 September, 1937, p. 163.

[8]World Almanac, 1941, pp. 379 and 754.

enrollments, heightened school costs, and the increasing responsibilities assumed by public elementary and secondary schools only intensified the situation. It was this situation which demanded more and more serious consideration of the possiblity of applying annual Federal grants to the states for equalizing educational opportunity.

The condition of the poor in general, and Negroes in particular was to be the focal point of Federal activity aimed at minimizing inequality of educational opportunity. In 1936 severe differences were noted in the educational opportunity and facilities offered the Negro and the white population. The average length of the school terms in 17 southern states and the District of Columbia was 167 days for white schools and 146 days for Negro schools. The average number of pupils enrolled per teacher in these states ranged from 50 in Mississippi for Negro pupils to 26.8 in Delaware for white pupils.

IV. Toward Federal Consideration of Equality of Educational Opportunity

But the entry of the Federal Government into assuming greater responsibility to foster educational equality was not an easy one. There were many stumbling blocks. First, there were the advocates of state and local control who feared that national control would inevitably accompany national aid to education. There were others who objected to Federal aid for parochial schools. It was for this reason that a recommendation by the United States National Advisory Committee on Education for a national subsidy for education failed in 1931. Still others objected to Federal aid to education which

would equally benefit the Negroes. The year 1943 saw the failure of a bill for a national subsidy to education. The hindrance to its success was a provision for equal subsidies to both Negro and white schools in the South.[9] Congressmen from the South would not vote for the bill in that form, while northern congressmen refused to vote for it without it. The result was delay for a decade of Federal action toward equality of educational opportunity. Meanwhile, the George-Ellzey Act of 1934, the George-Dean Act of 1936, and the George-Barden Act of 1946 which extended Federal assistance for vocational education also inadvertently prepared the way for greater Federal involvement in education.

During the depression decade, 1930-1940, no general aid to education bills were enacted by Congress. Several bills, however, which were enacted, incidentally included educational undertakings. The Public Works Administration which was established in 1933 to aid in the construction of public works also made grants and loans for school and college buildings. The Civilian Conservation Corps set up in 1933 provided employment and vocational training for unemployed youth. The Works Progress Administration not only distributed relief, but also supported a number of educational projects which provided employment. The National Youth Administration established in 1935 provided relief and employment as well as educational opportunities for youth. These activities represented a new departure from earlier Federal policy toward education in general as well a leaning toward national concern

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[9] Bruhacher, op.cit., p. 67.

for equality of educational opportunity.

During the 1940's certain groups, principally among them the National Education, sought to influence a stronger Federal role in education with a view to equalizing educational opportunity. In 1945 these groups joined forces in support of bills for Federal aid to education. The National Education Association (NEA) sponsored a bill urging a short-term appropriation of $200 million a year to the states on the basis of average daily attendance. What was even more significant for the cause of equal educational opportunity, however, was an additional provision for $100 million to be allocated on the basis of an equalization formula based on need and financial ability to support education.

The year 1946 saw a dramatic development regarding federal aid to education in the decision of Senator Robert A. Taft to co-sponsor an amended version of the NEA bill of the previous year. The amended bill contained a strong equalization formula. In addition, it required that each participating state provide for equalized educational opportunities so that each child, regardless of race or location, had at least $40 for his or her education. But this bill was deferred from time to time and were finally lost in 1949. It was not until 1950 that any direct Federal aid bill for education received full consideration by Congress. Public Laws 815 and 874, passed in 1950 to aid schools affected by Federal activities. had some implication for the principle of equality of educational opportunity.

V. The Thrust of the 1950's

The so-called Impact Laws of 1950 may be considered as a further demonstration of the Federal Government's favorable attitude toward aiding equal educational opportunity. The laws were an extension of the Lanham Act of 1941 which was to help alleviate the financial difficulties in communities which were expanding as a result of proximity to Federal installations and factories. In addition to the general grants to Federally impacted areas, supplemental Federal grants were made to local districts which could not meet their share of the costs of education programs.

Not the least significant was the influence of the Impact Laws in the struggle against racial segregation in schools and which meant so much for the objective of equal educational opportunity. In 1951, President Truman vetoed an amendment which would have required schools operated by the Federal Government to provide education according to state law. This would have resulted in segregation. In 1962, the Secretary of Health, Education and Welfare announced that, beginning with the 1963-64 school year, no segregated school would be considered "suitable" for federally-connected pupils under the Impact Laws.

During the Eisenhower years some positive steps were taken toward increasing Federal involvement in education in general and in the efforts to bring about equal educational opportunity in particular. The Administration moved to act on recommendations made by the Commission on Intergovernmental Relations as well as those made by the White House Conference on

Education. The School Construction Act of 1957 provided for the spending of $325 million per year for four years on school buildings, the distribution being made "on the basis of a standard Federal equalization formula."[10] The National Defense Education Act of 1958, which came into being mainly as a reaction to Soviet success in space (Sputnik) and scientific endeavor, also had some rippling effect for equal educational opportunity. Title II of the Act provides loan funds for needy undergraduate and graduate students at institutions of higher education, while Title IV provides for the expansion of facilities for graduate education on a wider geographic basis.

VI. Toward Greater Federal Involvement - the 1960's

Under the presidencies of John F. Kennedy and Lyndon B. Johnson the 1960's saw the initiation and implementation of broad programs of domestic social reform. The Higher Education Facilities Act of 1963 substantially increased Federal participation in the construction of higher education facilities especially in needy areas. The year 1964 was very significant. Francesco Gordasco has well noted:

> The significance of 1964 lies in the fact that the Economic Opportunity Act of 1964 initiated the war on poverty under a federal auspice with the schools as the major agency of reform. In this sense, it represented a decisively new role for the Federal

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[10] Sidney W. Tiedt, The Role of the Federal Government in Education, (New York: Oxford University Press, 1966), p. 28.

> government in that it squarely confronted the problems of poverty and the inequality of educational opportunity.[11]

The college work-study programs of that act provide economically deprived students with campus work in the amount of approximately $500.00 per year.

The Civil Rights Act of 1964 like the Economic Opportunity Act focuses on education as the principal means to achieve its objective. It sought to ensure freedom and equal opportunity in the nation. The Act provides assistance to school officials who request funds for programs designed to bring about desegregation. An important aspect of this act was the mandate given to the Commissioner of Education to conduct a study to determine whether equal educational opportunity was denied to some because of race, color, religion or national origin. The Coleman Report of 1966, Equality of Educational Opportunity, was the response to that mandate. Meanwhile two other acts, the Elementary and Secondary Education Act and the Higher Education Act of 1965 stimulated further efforts in the struggle against inequalities in educational opportunity.

The Elementary and Secondary Education Act of 1965 was the most dramatic development in the attempt to equalize educational opportunity through Federal funding. Congress appropriated $1,392 million for the year ending June 30, 1966, to implement the five titles of the Act. The program for

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[11]Francesco Gordasco, "America and the Quest for Equal Educational Opportunity: A Prolegomenon and Overview," British Journal of Educational Studies, Vol. XXI, No. I, February 1973, p. 54.

the education of the disadvantaged, i.e., Title I, absorbed $1,175 million. The distribution formula aimed at the roots of inequality. Title I funds were to be channelled to the poorer states and the distribution of funds in the wealthy states was designed to improve the education of poor, rather than wealthy children. Charles Benson has pointed out that, "In sum, the formula emphasized equalizing opportunities while at the same time it allowed all states, regardless of their wealth, to participate."[11]

A major effort was made during the latter part of the 1960's to equalize educational opportunity through many compensatory education programs financed under Title I of the Elementary and Secondary Education Act. The basis for this effort was in keeping with the assumption that equality of educational opportunity can be achieved by equalizing expenditures for education. Indeed large numbers of these programs were initiated and local school districts were provided with millions of dollars for instructional specialists, smaller classes, tutorials and special after-school activities. Notable among these programs was the Head Start Program.

Evaluations of compensatory education programs tend to show that the results have been disappointing. But there is another side to the issue. Perhaps, as Raymond C. Hummel and John M. Nagle have pointed out, "too

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[11]Charles S. Benson, The Economics of Public Education, (Boston: Houghton Mifflin Company, 1968), p. 207.

little was spent too late to make any real difference in the educational experiences of disadvantaged children."[13] The increase in instructional expenditures for each participating child through Title I of ESEA funds in 1967-68 was about $65, which was less than 15% of the average expenditure for each pupil in the United States. Perhaps also, as Harold Howe observes, only a "critical mass" of additional services will make a meaningful difference. Howe points to programs in California and Connecticut, where, after $300 per year for compensatory education was added to each child's expenditure, significant achievement gains were made.[14] It might be, then, that a more intensified effort in the direction of compensatory education over a longer period of time than was initially allowed would have stronger implications for equality of educational opportunity.

By the mid-1960's equality of educational opportunity was increasingly viewed as closely related to equality of access to education. The need to equalize opportunities for higher education was sharply felt. It should be noted that although the Federal Government has in the past provided financial aid for college students through the GI Bill (1944) as well as

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[13] Raymond C. Hummel and John M. Nagle, Urban Education in America: Problems and Prospects, (New York: Oxford University Press, 1973), p. 272

[14] Harold Howe II, "Anatomy of A Revolution," Saturday Review (November 20, 1971), p. 84-88, 95.

through loans and student work programs in the 1930's, a definite program of equal educational opportunity grants was not instituted until the passage of the Higher Education Act of 1965. This program made it possible for 225,000 undergraduate students from low-income families to receive grants in 1966-67.[15]

One of the more recent steps taken by the Federal Government in its concern for equality of educational opportunity was the program outlined by the Emergency School Aid Act of 1970. In his March 24, 1970 message President Nixon outlined that the program was designed to meet "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation."[16]

The Equal Educational Opportunities Program, established in 1965 in the Office of Education under Title VI of the Civil Rights Act of 1964, greatly strengthened the movement for equal educational opportunity. The approach through desegregation grants and the with-holding of funds from segregated schools had immense implications for integration and equal educational opportunity. One of the criticisms of Title I programs of ESEA was that "in concentrating special

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[15]Carnegie Commission on Higher Education, Quality and Equality: New Levels of Federal Responsibility for Higher Education (New York: McGraw Hill Book Company, 1968), p. 19.

[16]Federal Assistance to Desegregating School Districts. A Report on Activities from August 1970 to September 1972. (Washington, D.C.: U.S. Office of Education, 1972), p. 4.

attention on the disadvantaged, many of whom were Negroes, the local administration of Title I programs could have the effect of encouraging the maintenance of segregation."[17] By making grants only to school districts which met certain desegregation requirements the Equal Educational Opportunities program encouraged integration instead. This was a most significant offshoot of Federal funding under that program. Indeed the school desegration movement was indispensable to efforts aimed at equality of educational opportunity.

The inroad to the movement for integration made by desegregation grants to schools was strengthened by the Coleman Report of 1966. The report was the result of a national survey, authorized by Congress in 1964 to give careful study and analysis to the educational impact of segregation. The background of the student body was highlighted as the most influential factor in school. "Higher achievement...is largely, perhaps wholly, related to effects associated with the student's education background and aspirations."[18] The findings of the study strongly supported the belief that integration was of central importance to the educational process.

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[17] National Advisory Council on the Education of Disadvantaged Children, Second Annual Report (Washington: The Council, 1967), p. 19.

[18] James S. Coleman, Equality of Educational Opportunity, U.S. Department of Health, Education and Welfare, Office of Education (Washington, D.C.: Government Printing Office, 1966, p. 310.

"Characteristics of facilities and curriculium are much less highly related to achievement than are the attributes of a child's fellow students in school."[19]

A very important educational issue was raised by the Coleman Report, namely, that with few exceptions, the segregated ghetto schools were perpetuating a pattern of inferior education, thereby obscuring the American ideal of equal educational opportunity. The report stated: "In a segregated system, if one group begins at an educationally impoverished level, it will tend to remain at that level."[20]

The Coleman study has been criticized for the poor quality of its data, its low response rate, its misuse of statistical techniques, and the inadequacy of its conceptual model (Bowles and Levin, 1968; Dyer 1969; Guthrie, et al, 1971; Smith 1972.) Some objections were raised concerning the cross-sectional character of the report. Nevertheless, the conclusions showing the relationship between social class and student achievement were strengthened by the findings of Alan Wilson in his study Educational Consequences of Segregation in a California Community. Wilson's study had the required longitudinal data and revealed that by the sixth grade both the cumulative social class and the individual social class composition of the schools were closely related to student achievement.[21] These findings

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[19] Ibid., p. 316.

[20] Ibid., p. 307.

[21] U.S. Commission on Civil Rights, National Conference on Equal Educational Opportunity in American Cities (Washington, D.C., 1967) p. 271.

had great implications for Federal policy toward education.

By 1965 it had become more and more evident that one of the urgent national priorities was equal chance for higher education. Indeed higher education was no longer a luxury but a necessity. Congress enacted the Higher Education Act in 1965 to provide aid to colleges, students and teachers. President Lyndon B. Johnson was very much concerned that federal funds distributed through the act be properly channeled to aid equal educational opportunity. In his address to Congress on January 12, 1965, the President pointed out that in addition to the millions to be spent on the construction of college classrooms, libraries and laboratories, large sums should be devoted to broadening the opportunity for higher education among lower and middle income families. "Only one out of three young people from low income families attend college compared with four out of five from high income families,"[22] the President stated. Another goal of the legislation, to strengthen less developed colleges, also spoke to the problem of educational inequality.

In 1967 the Civil Rights Commission, after reviewing the evaluations of the various compensatory education programs concluded:

> The compensatory programs reviewed here appear to suffer from the defect inherent in attempting to solve problems stemming in part from racial and social class in schools which themselves are isolated by race and social class.[23]

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[22] Sidney W. Tiedt, op. cit., p. 221.

[23] U.S. Commission on Civil Rights, Racial Isolation in the Public Schools (Washington, D. C. , 1967), p. 139.

In his address to the National Conference on Equal Educational Opportunities in American Cities in November, 1967, Irwyn Katz noted that "integration must be seen as the end-goal for all long-range educational planning."[24]

VII. Desegregation and Equality of Educational Opportunity

The emphasis on integration was bound to accelerate Federal actions in that direction in an effort to make more meaningful the ideal of equal educational opportunity. In November 1967, the Division of Equal Educational Opportunities was established in the Bureau of Elementary and Secondary Education, Office of Education, to carry out the provisions of Title IV and Title VI of the Civil Rights Act of 1964. Up to this time these provisions were administered by the Equal Educational Opportunities Program. The new division was organized to help aid the attainment of equal educational opportunity by (1) assisting "local school districts in the elimination of school desegregation" and (2) helping to effect "the personal and institutional changes necessary for school desegregation to be permanent."[25]

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[24]Irwyn Katz, "Desegregation or Integration in Public Schools? The Policy Implications of Research," U.S. Commission on Civil Rights, National Conference on Equal Educational Opportunities in American Cities (Washington, D.C., 1967), p. 498.

[25]U.S. Department of Health, Education and Welfare, Equal Educational Opportunities Annual Report, Fiscal Year 1969, (Washington, D.C., 1970), p. 3.

The historical circumstances leading up to the desegregation effort to aid the attainment of equal educational opportunity are very unique. This is quickly realized when it is considered that the slowly operating highly decentralized nature of the American Federal Government leans toward the protection of the local status quo. This system is embedded in the structure of the political parties which stems from the political ideology of concentrating great power at the state and local levels.

After 1865, the brief period of Reconstruction, ushering in a chimera of equality for Negroes, failed in the wake of southern resistance. The Supreme Court ruling in 1883 that the Fourteenth Amendment enjoined states and not individuals from discrimination was enough signal that segregation would gain grounds. In 1896 the Supreme Court's proclamation of "separate but equal," greatly strengthened the movements for segregated education.

Between 1896 and 1954 certain Supreme Court rulings involving educational facilities had implications for later desegregation. In 1938 the "separate but equal" principle suffered a severe setback when the Supreme Court ruled that a black applicant to a State university law school must be admitted if there was no black law school in the state. This ruling was made on the grounds that an out-of-state law education was not adequate for practice within the state. In 1950, the Court made a similar and even stronger decision when it ruled that a student educated at a colored state law school could not be said to have had equal education because he was not

adequately prepared to function in the integrated world of courts and legislatures. The High Court further ruled that the application of the "separate but equal" doctrine to segregate black students admitted to white schools was unconstitutional. These rulings represent the initial official expression of the idea that separate education is inherently unequal.

But it was the Supreme Court decision of 1954 in Brown versus Board of Education which constituted the greatest watershed in the struggle for equal educational opportunity. The Court concluded that for both psychological and educational reasons it was not possible to achieve equal education if the schools remained segregated. Gary Orfield has aptly observed that "the court sensitively analyzed both the central importance of the schools in local government and the hope for equal opportunity."[26]

The task of the Federal Courts in attempting to bring about integration was a difficult one. Their aggressive activities slowly eroded the power of the state laws that stood in the path of even token integration during the 1950's. The Little Rock Case of 1958 provided the Supreme Court with a great opportunity to provide leadership. Throughout the 1960's Federal judges sought to uphold the requirements and accelerate the efforts for desegregation. The U.S. Civil Rights Commission which was created in 1957, and which became the Federal agency most closely connected with the civil

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[26] Gary Orfield, The Reconstruction of Southern Education (New York: Wiley-Interscience, 1969), p. 311.

rights movement, also played a major role in the desegregation process aimed at fostering better opportunities for equal education by emphasizing the human righrs aspect.

VIII. Development of the Concept of Equal Educational Opportunity

In reviewing the historical development of the concept of equal educational opportunity, James S. Coleman notes the irrelevance of the notion prior to the industrial revolution.[27] This was occasioned by the fact that since status was relatively fixed from birth, equality of opportunity was not considered. The education of children was simply what was needed for the family's productivity.

As the role of the family unit declined following the industrial revolution there was need for the education of skilled persons. Thus the early nineteenth century saw the institutionalization of public education as tax-supported education in America as well as in Europe, and with it loomed the notion of equality of educational opportunity. In the United States the common school was designed to provide a common educational experience to all children except those of the upper class who attended private schools, the poor who did not attend school, and members of minority groups who had no schools at all.

Assording to Coleman the concept of educational opportunity has had its roots in the notion of equality. This notion included the following four elements:

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[27]James S. Coleman, "The Concept of Equal Educational Opportunity" in Harvard Educational Review (ed.), Equal Educational Opportunity (Cambridge, Massachusetts: Harvard University Press, 1969), p. 10.

(1) Providing a free education up to a given level which constituted the principal entry point to the labor force.

(2) Providing a common curriculum for all children, regardless of background.

(3) Partly by design and partly because of low population density, providing that children from diverse backgrounds attend the same school.

(4) Providing equality within a given locality, since local taxes provided the source of support for schools.[28]

This early conceptualization of equal educational opportunity has evolved through four stages since its inception. In the first stage of the development of the concept, acceptance was given to the notion that there must be a common curriculum for all children. In the second stage, this assumption was challenged by the recognition that since all children were not college-bound it might be an infringement of equality of educational opportunity to subject some to college entrance preparation instead of vocational education. Hence equality of educational opportunity meant providing a varied curriculum in order to accommodate different types of students.[29] The third stage of the concept was represented by the conflict resulting from the challenge to the idea that children of diverse background must be allowed to attend the same school. The fourth stage is marked by the assumption that equal educational opportunity depends upon the results that are produced in school.[30]

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[28] Ibid, p. 13.

[29] Ibid, pp. 15-16.

[30] Ibid, p. 17.

IX. The Search for a Workable Definition of Equality of Educational Opportunity

In the United States the battle for equal educational opportunity began with the attempt to establish public responsibility for the education of children in those states where there was no provision for public education. The struggle for adequate educational facilities and diverse educational programs followed. The first half of the twentieth century was marked by the struggle for equal but separate schools. By the middle of the twentieth century "separate but equal" schools were declared inherently unequal.

The national concern for equalizing educational opportunity has generated interest in finding some criterion by which to judge or define it. In 1964 when Congress charged the Office of Education with the responsibility for determining the status of equality of educational opportunity in the United States the matter of what the criterion should be was of critical importance. James Coleman who conducted that study chose equality of achievement as his criterion.

The search for a definition of equality of educational opportunity or for criteria for assessing its degree has been in progress for some time. Havighurst (1944) has established a criterion characterized by a match between measured intelligence and length of guaranteed educational experience.[31]

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[31] Edmund W. Gordon, "Toward Defining Equality of Educational Opportunity" in National Center for Research and Information on Equal Educational Opportunity Newsletter, Volume 2, Number 1, January 1971, p. 5.

According to Tumin (1965), equal education means equal concern and not the same education. Tyler (1967) emphasizes that one measure of equality is that every child is learning. He argues that only when the meaningfulness, the stimulation and the conditions for learning are equally distributed among all school children, can it be said that equality of educational opportunity exists. Lesser and Stodolsky (1967) have advanced the view that equality of opportunity will be achieved only if the school makes full use of the distinctive pattern of the child's ability.[32] Kenneth Clark (1965) suggests that by unburdening the children of minority groups through the removal of poor teaching, negative teaching attitudes, and inadequate educational resources, equality of educational opportunity can be approached.

Professor Arthur E. Wise, currently Associate Director for Research, National Institue of Education, has devoted a full chapter to definitions of equal educational opportunity in his book Rich Schools, Poor Schools: The Promise of Equal Educational Opportunity (1967). He discusses 9 definitions based on the assumption that equality of educational opportunity depends, in part, on the allocation of resources:

(1) The negative definition states that "equality of educational opportunity exists when a child's educational opportunity does not depend upon either his parents economic circumstances or his location within the state."

(2) The full-opportunity definition demands that every student "be given full opportunity to develop his abilities to their limit."

(3) The foundation definition "stipulates a satisfactory minimum offering, expressed in dollars which shall be guaranteed to every pupil."

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[32] Ibid., p. 6.

(4) The minimum attainment definition "asserts that resources shall be allocated to every student until he reaches a specified level of achievement."

(5) The levelling definition "asserts that resources should be allocated in inverse proportion to students ability."

(6) The competition definition "assumes that students have different capacities to profit from instruction and asserts that educational resources should be allocated in direct proportion to student's ability."

(7) The equal-dollars-per-pupil definition "assumes that there is no reason for society to grant more to one individual than to another." [33]

Two other definitions are discussed by Wise, namely, the classification definition and the maximum-variance-ratio definition. "The classification definition requires first the specification of suitable educational programs for students of specified characteristics. It then requires that each program be made available to every student with the correspondending set of characteristics wherever he lives in the state."[34] The maximum-variance=ratio definition implies the necessity of reallocating a large percentage of current educational expenditures in implementing the equal-dollars-per-pupil formula. In such cases "the courts might require that the maximum variation in average per-pupil expenditure be no more than two to one, or one-and-a-half to one, or one-and-a-third to one."[35]

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[33] Arthur E. Wise, Rich Schools, Poor Schools, The Promise of Equal Educational Opportunity, (Chicago, The University of Chicago Press, 1967), pp. 143-156.

[34] Ibid., p. 157.

[35] Ibid., pp. 156-157.

It is easy to conceive of the difficulty attending any attempt to establish standards for a general definition of equal educational opportunity. Arthur Wise concludes that the negative definition aided by the terms of the classification definition might form the basis for such a definition. The classification definition allows for the formation of special categories such as the educationally disadvantaged, to be allotted additional expenditures.[36] This should create a situation which would enhance the chances for equality of educational opportunity whereby as James Guthrie observes "a representative individual of any race or social grouping has the same probability of succeeding as does a representative individual of any other racial or social grouping."[37]

X. The Three Goals

In their recent study (1973) of inequalities in educational opportunity in school systems of the southwest, Robert Brischetto and Tomas Arciniega noted the three goals that should be adopted in the effort to achieve equality of educational opportunity:

> The first goal has to do with equal access to educational resources and eliminating fiscal discrimination; the second relates to the question of achieving equality of educational benefits or outcomes among ethnic groups; and the third is the goal of economic equality among ethnic groups in society.[38]

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[36] Ibid., p. 159.

[37] James Guthrie et al, Schools and Inequality, (Cambridge, Massachusetts: The MIT Press, 1971), p. 139.

[38] Robert Brischetto and Tomás Arciniega, "Inequalities in Educational Opportunity and the Chicano," Unpublished Report (Washington, D.C.: Dept. of Health, Education and Welfare, 1973), p. 215-216

The study, unlike the Coleman analysis (1966) which found no clear-cut inequalities in educational resources between majority and minority groups, has revealed the existence of "inequalities in the distribution of educational inputs based on the ethnic composition and income level of district residents."[39] It therefore supports the original contention of Rodriguez et al., that the Texas tax system discriminated against school children in the poorer districts, thereby depriving them of an equal educational opportunity.

With regard to the question of equality of results, one view stresses that this can best be achieved by successfully combatting the negative effects of the deprived environment. Through this approach programs are introduced in an effort to make up for what may be lacking in the children's home and general environment. Compensatory education programs based on this rationale, are intended to promote equal educational opportunity by compensating for deprivations stemming from home, peer group and neighborhood.

Another view emphasizes the need for placing the full responsibility for student success on the school if equality of results is to be achieved. School systems should make full use of cultural differences in order to bring about successful performance in school. According to this view, equal benefits from the system depend more on reforming the school along culturally pluralistic lines than on attempting to transform the minority

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[39] Ibid.

child into the image of the dominant group. The school must make unequal and individualized inputs in order to produce some form of equality in basic achievement levels in children who enter school with unequal backgrounds.

The goal of economic equality has two important implications. First, it implies that to no small degree the social and economic circumstances of an individual determine not only the quality of schooling provided to him, but also his subsequent educational achievement and post-school performance. This suggests, that general reduction of the inequalities in society should be a pre-requisite for all efforts aimed at achieving equality of educational opportunity. The second implication is that equal educational opportunity should result in general economic equality in society.

Both of these interpretations, however, have severe limitations. On the one hand, it is more pragmatic to attempt to reduce the unequal treatment of certain groups than to attempt to reduce the overall degree of inequality in society. Indeed the focus on group differences provides a more realizable goal which might more readily be supported by the legislative and judicial branches. On the other hand some studies have found that differences in educational facilities are not very highly correlated with variations in economic success. Christopher Jancks has noted that "economic success depends largely on factors other than cognitive skills."[40]

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[40]Christopher Jencks et al, Inequality: A Reassessment of the Effect of Family and Schooling in America (New York: Basic Books, 1972), p. 84.

The relationship between socioeconomic status, school services, school achievement and success in later life has received attention by scholars since the 1930's. In 1932, Willard Waller in his classic work, the Sociology of Teaching observed that differences of position in the community determine important differences in the school. During World War II William Lloyd Warner, Robert J. Havighurst and Martin B. Lock set forth their views in Who Shall Be Educated (1944). John W. Gardner in his book Excellence (1961), James Bryant Conant in Slums and Suburbs (1961), and Charles S. Benson in The Cheerful Prospect (1965) have all pursued the degree to which schooling and educational achievement are determined by socioeconomic status.

It is encouraging that efforts to elimate inequalities in educational opportunity have produced some social mobility. There is evidence of reasonable correlation between educational attainment and economic opportunity.[41] It is important, therefore, that a concerted attack be made on both economic inequality and the inequalities in the educational systems.